

Application Serial No. 10/726,243
Response dated March 24, 2006
Reply to Office Action dated December 29, 2005

Remarks/Arguments

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed December 29, 2005, setting a three month shortened statutory response ending March 29, 2006. With this Amendment, claims 13, 19, and 37-40 have been amended. Claims 1-39 remain pending in this Application. Reconsideration, examination and allowance of all pending claims are respectfully requested.

Claim Objections

In paragraph 6 of the Office Action, the Examiner indicated that the numbering of the claims is improper. In particular, the examiner states that claim 36 is missing from the original list of claims, and that consequently the numbering of claims 37-40 is improper.

With this Amendment, Applicants have renumber claims 37-40 as claims 36-39, which Applicants submit overcome the Examiner's objections to the claims.

35 U.S.C. § 102 Rejections

In paragraph 7 of the Office Action, the Examiner rejected claims 1-11, 16-24, and 28-39 under 35 U.S.C. § 102(b) as being anticipated by *Abrams* (U.S. Patent No. 6,608,560).

Applicants respectfully submit that claims 1-11, 16-24, and 28-39 are not anticipated by the *Abrams* reference. The *Abrams* reference appears to suggest a service assistance device (100) including a number of user input devices (106,108), an audio speaker (112), and visual display (114) that may be used to provide troubleshooting and other information to a user. A communication network interface (110) can be used to initiate an automatic call to an HVAC contractor at the request of the user. As shown in one version depicted in Figure 2, for example,

the service assistance device (200) can include an assistance push-button switch (202) by which a user can input a request for automated assistance, and a “call-for-service” push-button switch (204) by which a user can initiate a call to an HVAC contractor.

In describing the step of providing troubleshooting and other information to the user, *Abrams* appears to make clear that such information is provided to the user *on demand*, and not as a result of the device (100,200) determining that one or more service events have occurred for one or more of the system components. For example, at column 3, lines 40-54, *Abrams* states:

As further explained below, user input devices 106, 108 are provided for a user to input a request for automated assistance and/or a call for service by a heating, ventilation and/or air conditioning (“HVAC”) contractor, respectively. Preferably, the user input devices 106, 108 are push-button momentary switches, whereby a user may provide input to the service assistance device 100 simply by depressing the push-button switches as necessary. As should be apparent, however, other types of user input devices, including other types of switches, touch screens, keyboards, touch pads, mice, joysticks, voice recognition devices, etc., can be utilized without departing from the scope of the invention. It should also be apparent from the description below that a greater or lesser number of user input devices may be employed in any given implementation of the invention (emphasis added).

Likewise, and with reference to Figure 3, *Abrams* states that automated assistance begins with the step (302) of receiving a request for assistance input “by a user via the user input device 106.” *Abrams* at col. 4, lines 25-27. These are just a few examples.

In contrast to the service assistance device (100,200) described in *Abrams*, the HVAC controller recited in claim 1 includes a display unit that is configured to display servicing information when a service event is determined by the controller. Independent claim 19, 30, and claim 37, as amended, similarly recite displaying a logo (claim 19) or servicing information

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(claims 30) when a service event is determined by the controller, or displaying servicing information when a service event is detected in at least one of the one or more components by the controller (claim 37). In addition, independent claim 38 recites a notifying means for notifying a service provider when a service event is determined by the controller.

While the *Abrams* reference appears to suggest displaying troubleshooting and other information to a user via a service assistance device (100), such information does not appear to be provided as a result of the device determining that a service event in one or more system components has occurred, or when a service event is detected in at least one of the one or more system components, as recited in independent claims 1, 19, 30, and 37. Instead, *Abrams* appears to suggest that the step of displaying troubleshooting information is initiated when a request for assistance is received by the user. Thus, because *Abrams* fails to disclose or suggest each and every element of independent claims 1, 19, 30, and 37, Applicants respectfully submit that these claims are allowable.

Because claims 1, 19, and 30 are allowable, dependent claims 2-11, 16-18, 20-24, 28-29, and 31-35 are also allowable for at least the reasons provided above, and since they recite other limitations not suggested by the cited prior art. For example, with respect to dependent claims 6 and 32, Applicants do not believe that the *Abrams* reference suggests that the controller determines if a service event occurred by receiving a service event indicator from at least one component, as recited therein. Moreover, with respect to dependent claim 16, Applicants do not believe that the *Abrams* reference suggests that the controller determines if one or more service

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events occurred for one or more components of the HVAC system by polling the selected components, as recited in that claim.

Turning next to the rejection of independent claim 38, Applicants do not believe that the *Abrams* reference discloses or suggests a notifying means for notifying a service provider when a service event is determined by the controller, as recited therein. As discussed *infra*, *Abrams* appear to suggest that the troubleshooting information is provided to users when demanded by the user, and not when a problem with the system is detected. Because the troubleshooting information in *Abrams* appears to be provided on demand by the user and not based on a determination of a service event by the controller, *Abrams* does not disclose or suggest each and every element of claim 38, and thus claim 38 is believed to be clearly in condition for allowance. Because independent claim 38 is allowable over the cited prior art, dependent claims 39-40 are also believed to be allowable for at least the reasons provided above, and since they recite other limitations not suggested by the cited prior art.

35 U.S.C. § 103 Rejections

In paragraph 8 of the Office Action, the Examiner rejected claims 12-15 under 35 U.S.C. § 103(a) as being unpatentable over *Abrams* (U.S. Patent No. 6,608,560) in view of *Poth* (U.S. Patent No. 6,741,915). In addition, in paragraph 9 of the Office Action, the Examiner rejected claims 25-27 under 35 U.S.C. § 103(a) as being unpatentable over *Abrams* (U.S. Patent No. 6,608,560) in view of *Bennett* (U.S. Patent No. 5,877,957).

For at least the reasons provided above, Applicants respectfully submit that dependent claims 12-15 or 25-27 are also patentable over *Abrams*, either alone or in combination with

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either *Poth* or *Bennett*. As discussed above, the *Abrams* reference does not disclose or suggest a display unit configured to display servicing information or a logo when a service event is determined by the controller, as recited in independent claims 1 and 19. Neither the *Poth* or *Bennett* references appear to disclose or suggest these features. Thus, because the cited prior art does not disclose each and every element necessary to support an obviousness rejection, Applicants submit that dependent claims 12-15 and 25-27 are not obvious under 35 U.S.C. § 103(a).

IDS Consideration

In reviewing the IDS 1449 Forms submitted on 7/9/04, 4/25/05, 4/27/05, 9/23/05 and 9/28/05 and returned with the current Office Action, Applicants notice that the Examiner did not formally consider several of the references provided, stating that no date was provided with the references.

In an Interview on February 7, 2006, the Examiner indicated that a resubmission of the IDS forms with an indication next to each reference stating “prior to December 2, 2003” would be sufficient to establish a date for purposes of considering these references. The IDS forms originally submitted 7/9/04 and 4/25/05 are being resubmitted herewith with the changes as suggested by the Examiner. The Applicants wish to thank the Examiner for his consideration of these references.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, and issuance of a Notice of

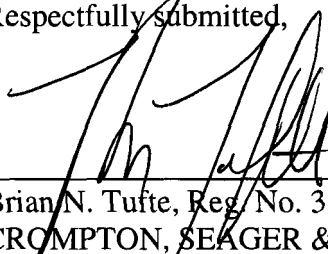
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Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 359-9348.

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Respectfully submitted,

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